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SENATE BILL 18

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR A SCHOOL ATTENDANCE OFFICER AT EACH SCHOOL TO ASSIST THE SCHOOL IN THE ENFORCEMENT OF THE COMPULSORY SCHOOL ATTENDANCE LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-12-7 NMSA 1978 (being Laws 1967, Chapter 16, Section 175, as amended) is amended to read:

"22-12-7. ENFORCEMENT OF ATTENDANCE LAW - PENALTY. --

A. Each local school board and each governing authority of a private school shall initiate the enforcement of the provisions of the Compulsory School Attendance Law for students enrolled in their respective schools. Each local school board shall designate a "school attendance officer" at each public school in the school district.

B. To initiate enforcement of the provisions of the

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1 Compulsory School Attendance Law, a [~~local school board~~] school
2 attendance officer or governing authority of a private school
3 or its authorized representatives shall give written notice by
4 certified mail to or by personal service on the parent,
5 guardian or custodian of a student subject to and in
6 noncompliance with the provisions of the Compulsory School
7 Attendance Law.

8 C. If violations of the provisions of the
9 Compulsory School Attendance Law continue after written notice
10 as provided in Subsection B of this section has occurred, the
11 student shall be reported to the probation services office of
12 the judicial district where the student resides for an
13 investigation as to whether the student shall be considered to
14 be a neglected child or a child in need of supervision and thus
15 subject to the provisions of the Children's Code.

16 D. If, after review by the juvenile probation
17 office of the children's court division or by the district
18 judge of the children's court division where the student
19 resides, a determination and finding is made that the
20 nonattendance by the student may have been caused by the
21 parent, guardian or one having custody of the student, [~~then~~]
22 the matter [~~will~~] shall be referred by the juvenile probation
23 office or by the children's court division of the district
24 court to the district attorney's office or any law enforcement
25 agency having jurisdiction for appropriate investigation and

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1 filing of charges allowed under the Compulsory School
2 Attendance Law.

3 E. A parent, guardian or [~~one having custody~~]
4 custodian of the student who, after receiving written notice as
5 provided in Subsection B of this section and after the matter
6 has been reviewed in accordance with Subsection D of this
7 section, knowingly allows the student to continue to violate
8 the Compulsory School [~~Attendance~~] Attendance Law [~~shall be~~] is
9 guilty of a petty misdemeanor. Upon the first conviction, a
10 fine of not less than twenty-five dollars (\$25.00) or more than
11 one hundred dollars (\$100) may be imposed, or the parent,
12 guardian or [~~one having custody~~] custodian of the student may
13 be ordered to perform community service. If violations of the
14 Compulsory School Attendance Law continue, upon the second and
15 subsequent convictions, the parent, guardian or [~~one having~~
16 ~~custody~~] custodian of the student who knowingly allows the
17 student to continue to violate the Compulsory School Attendance
18 Law [~~shall be~~] is guilty of a petty misdemeanor and shall be
19 subject to a fine of not more than five hundred dollars (\$500)
20 or incarceration for a period not to exceed six months or both.

21 [~~F. The provisions of this section shall apply~~
22 ~~beginning July 1, 1987.~~]

23 F. Each school attendance officer shall report
24 annually to the local school board the number of students who
25 were absent in the previous school year and whether the

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1 absences were excused. "

2 Section 2. EFFECTIVE DATE. --The effective date of the
3 provisions of this act is July 1, 2003.

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